IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And
THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 13655 of 2005

Between:

Mohammad Abdul Majeed, S/o. M.A. Hameed, R/o. 23-2-411, Moghalpura, Hyderabad.

..... PETITIONER

AND

1 The Joint Transport Commissioner, and Secretary, Regional Transp9ort

Authority, Somajiguda, Hyderabad.
2 The Regional Transport Officer, Hyderabad South, Bhahadurpura,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ or order or direction and more particularly one in the nature of Writ of Mandamus declaring the 2nd respondent's proceedings in Demand notice No.46700/-B3/HS/2004 dt. 16.8.2004 levying a penalty of Rs. 26,058/- and demand of tax of Rs. 31,928/- on petitioner's vehicle bearing No. AP-12-C-8393 as confirmed by Res. No. Lin. Proc. 016976/C4/2004 dt. 28.12.2004 as arbitrary, unjust and void; and consequently direct the respondents to collect life tax to the petitioners vehicle from 1.10.2001 with penalty 2% p.a. by adjusting the amount paid by the petitioner on 16.8.2004.

Counsel for the Petitioner : MR.BATHINI PAPA RAO GOUD

Counsel for the Respondents : GP FOR TRANSPORT

The Court made the following :

ORDER : (Per Hon'ble Sri Bilal Nazki, ACJ)

Heard learned Counsel for the parties.

The grievance of the petitioner is that neither in the order passed by the original authority nor by the appellate authority, any reasons have been given for coming to the conclusion that the petitioner deserve to be levied a penalty of Rs.26,058/-. We have seen the order of the appellate authority. In fact, no reasons have been given. Therefore, the order is set aside and the appellate authority is directed to pass a reasoned order after hearing the petitioner.

Writ petition is accordingly allowed. No order as to costs.

BILAL NAZKI, ACJ

29th June 2005.

G. CHANDRAIAH, J

ajr

……REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Joint Transport Commissioner, and Secretary, Regional Transp9ort

Authority, Somajiguda, Hyderabad.
2 The Regional Transport Officer, Hyderabad South, Bhahadurpura,

Hyderabad.

3 Two C.Cs. to the GP for Transport, High Court buildings, Hyderabad (OUT)

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